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OFFICE OF PETITIONS

Applicant: Vu et al.
Appl. No.: 10/542,266
International Filing Date: December 20, 2003
Title: Method of Displaying an Image Captured by a Digital Camera
Attorney Docket: 85308/WRZ
Pub. No.: US 2007/0013721-A1
Pub. Date: January 18, 2007

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on February 14, 2007, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains a material error on the front page of the publication wherein "Method of Displaying an Image Captured by a Digital Camera" is misprinted as "Method of Displaying an Image Captured by a Digital" in the title of the invention.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error on the front page of the publication wherein "Method of Displaying an Image Captured by a Digital Camera" is misprinted as "Method of Displaying an Image Captured by a Digital" in the title of the invention may be an Office error, but it is a not material Office error under 37 CFR 1.221. The omission of the words "Camera" in the title does not affect the understanding of the application. The mistake does not affect the public's ability to appreciate the technical

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

disclosure of the patent application publication, or determine the scope of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

On October 16, 2006, a Filing Receipt was mailed by the Office, which improperly listed the title. To avoid this type of problem in the future, applicant's representative should review the Filing Receipt and make a request for a Corrected Filing Receipt.

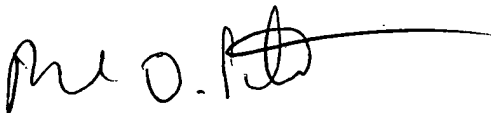
The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication" and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'Mark Polutta', with a long horizontal flourish extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
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for Patent Examination Policy